IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION FOR BAIL NO. 659 OF 2007

Mohd. Ashraf Shamim Ansari and another .... Applicants (Ori. accused Nos. 2 and 3)

Vs.

State of Maharashtra .... Respondent/ Complainant

Mr. Raj Kumar Yadav for the Applicants.
Mr. Y.S. Shinde, APP for the Respondent.

CORAM : J.H. BHATIA, J.,
DATE : 13TH MARCH, 2007

P.C.

1) The applicants seeks to be released on bail in Crime no. 196 of 2006 registered by Tilak Nagar Police Station for the offences punishable under Sections 399, 402 of Indian Penal Code r/w 37 (1), 135 of Bombay Police Act.

2) Heard Mr. Raj Kumar Yadav, learned Counsel for the applicants and Mr. Y.S. Shinde, learned APP for the State. Perused the relevant Police papers.

3) Prosecution case in brief is that, on 16/09/2006 at about noon time, one Police

Constable, who is complainant in this case, got credible information that some persons would be coming at Tembi Bridge, Tilak Nagar, opposite to Soha Hotel by Auto Rickshaw to meet two persons and they had designed to commit robbery at the shop of Dhanlaxmi Jewellers. The said Constable kept watch and at about 12.45 hours, one auto rickshaw came in which three persons were sitting. He heard them speaking about committing the robbery. There were some Policemen in civil dress also and with their help he caught three persons, while two persons succeeded in running away. From the said accused, choppers were recovered and seized under panchanama.

4) Except the bare statement of the Police Constable that he had information that some persons were likely to commit robbery, there is no other material evidence in this respect. The allegation against the present applicants is only that each of them was found in possession of a chopper. It was noon time. Mr. Shinde, learned APP, on instructions of Mr. A.B.Kadam PSI of Tilak Nagar Police Station, makes a statement that there are no criminal antecedents of the present applicants. In view of this, I find that applicants deserve to be granted bail.

5) Applicant Nos. 1 and 2 be released on bail on their executing P.R. bonds of Rs.10,000/- each with one surety of like amount with a condition that they shall report at Tilak Nagar Police Station on every Sunday between 4.00 to 6.00 pm. till end of the trial.

(J.H. BHATIA, J.)